

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works		(2) MEETING DATE April 4, 2006		(3) CONTACT/PHONE Timothy J. Smith, County Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of Resolutions Vacating a Portion of Smith Avenue, a Purported Public Road in Town of Oceano, Supervisorial District 4 and a Portion of First Street, County Road No. 3157, in the Town of Los Osos, Supervisorial District 2					
(5) SUMMARY OF REQUEST Road vacation is requested by owners of an adjacent parcel to consolidate right of way into their parcel.					
(6) RECOMMENDED ACTION It is recommended that your Board conduct the necessary public hearing and adopt the attached Resolutions Vacating that portion of Smith Avenue and that portion of First Street.					
(7) FUNDING SOURCE(S) Public Works		(8) CURRENT YEAR COST Undetermined (County may avoid future maintenance liability obligations)		(9) ANNUAL COST Undetermined - minimal, if anything at all	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Department of Planning and Building, Environmental Coordinator's Division, County Counsel, and County Parks Division, State of California Parks and Recreation Department, Los Osos Community Advisory Council, California Coast Commission					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 2 nd and 4 th			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 20 MIN) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

Reference: 06APR4-H-1

L:\DEVELOP\APR06\BOS\smith1st.cvr.wpd.CAH:TJS

(19) ADMINISTRATIVE OFFICE REVIEW	<p style="font-size: 1.5em; font-family: cursive;">OK Leslie Brown</p> <p style="font-size: 1.5em; font-family: cursive;">C-2</p> <p style="font-size: 1.5em; font-family: cursive;">(4/4/06)</p>
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SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS


Noel King, Director

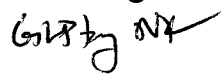
County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

TO: Board of Supervisors

FROM: Timothy J. Smith, Right of Way Agent 

VIA: Glen L. Priddy, Deputy Director of Public Works - Engineering Services 

DATE: April 4, 2006

SUBJECT: Submittal of Resolutions Vacating a Portion of Smith Avenue, a Purported Public Road in Town of Oceano, Supervisorial District 4 and a Portion of First Street, County Road No. 3157, in the Town of Los Osos, Supervisorial District 2

Recommendation

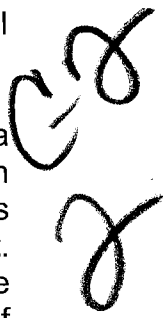
It is recommended that your Board conduct the required public hearing and adopt the attached Resolutions Vacating portions of Smith Avenue and First Street.

Discussion

The Smith Avenue vacation is requested by the owner of the adjacent property to gain an additional 20 feet of street frontage for private use and development. The proposed development is for a hotel facility in the Pier Avenue vicinity in Oceano. The subject portion of Smith Avenue is not improved, is mostly dune habitat, and does not provide public or private access. The California Coast Commission conditionally approved the hotel plan.

The County Planning conformity report recommended that the vacation of the subject road is not consistent with the County General Plan, received by the County Planning Commission, unless a coastal access is retained in compliance with Coastal Zone Land Use Ordinance. This access condition can be secured by a reservation clause in the property legal description. The Planning conformity report, dated February 9, 2006, was approved by your Board on February 28, 2006. The Planning Commission's transmittal memo is attached.

The First Street vacation is requested by the owners of adjacent properties, between Santa Maria Avenue and Santa Ysabel Avenue in Los Osos. The owners desire to gain an additional 15 feet of street frontage for private use and development. The subject area is generally residential landscaping. The total present width of the right of way is 80 feet. Approval of the request would result in a 50 foot width remainder, which is in compliance with County road minimum width standards. The County Planning Commission of



January 26, 2006 concurred with the County staff, that the request is in conformity with the County General Plan. The subject conformity report was approved by your Board.

Other Agency Involvement/Impact

The County Planning Department prepared the necessary conformity reports. The neighborhood advisory councils reviewed the proposed requests. Resolutions have been reviewed and approved by the Office of County Counsel. California Coastal Commission has reviewed the proposed plans for the Smith Avenue development.

Financial Considerations

In the event the vacations are approved at the forthcoming hearing, the excess right of way would be absorbed into the adjoining properties. There is no direct financial impact expected to result from the recommended Board action.

Results

Approval of the recommended action will result in consolidation of property interests, leading to the ultimate community-wide result of a more well governed community.

Attachments: Vicinity Maps
Resolutions Vacating portions of Smith Avenue and First Street
Planning Commission memo dated February 15, 2006

File: TJS

Reference: 06APR04-H-1

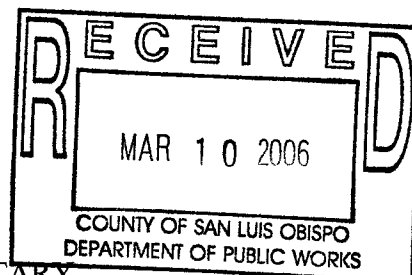
smith1st.bit.wpd.TJS:CAH





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR



DATE: February 15, 2006
TO: BOARD OF SUPERVISORS
FROM: ELEANOR PORTER, PLANNING COMMISSION SECRETARY
SUBJECT: GENERAL PLAN CONFORMITY REPORT FOR THE ABANDONMENT OF 20
FOOT OF SMITH AVENUE BETWEEN LAKESIDE AND STRAND AVENUE
LOCATED IN THE COMMUNITY OF OCEANO.

SUMMARY

On February 9, 2006, the Planning Commission concurred with staff that the abandonment of the above referenced road right-of-way, is not in conformity with the County General Plan.

RECOMMENDATION

Receive and file the determination that unless coastal access is retained, the proposed abandonment is not in conformity with the County General Plan, including the Local Coastal Program.

DISCUSSION

A copy of the Planning Commission staff report, dated February 9, 2006, is attached for your information.

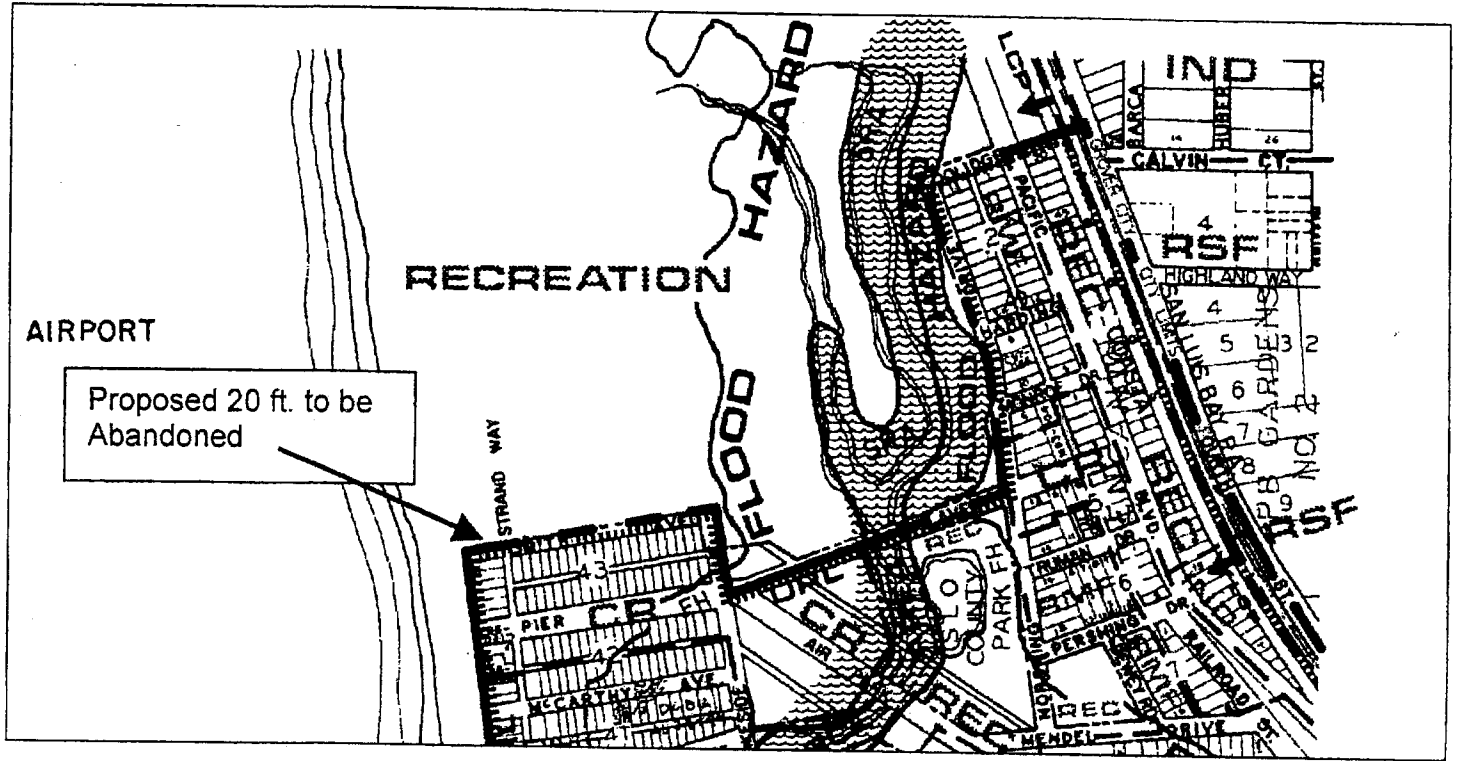
OTHER AGENCY INVOLVEMENT

California Coastal Commission

FINANCIAL CONSIDERATIONS

None at this time.

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VICINITY MAP FOR SMITH AVENUE ROAD VACATION

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IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.

RESOLUTION VACATING A PORTION OF SMITH AVENUE A PURPORTED PUBLIC ROAD IN THE TOWN OF OCEANO, SUPERVISORIAL DISTRICT NO. 4

The following Resolution is now offered and read:

WHEREAS, pursuant to Chapter 3, Part 3, Division 9 of the Streets and Highways Code, this Board of Supervisors duly adopted a resolution and notice of intention to vacate a portion of Smith Avenue, a purported public road, in the Town of Oceano; and

WHEREAS, in said resolution and notice, the date of hearing on the resolution of vacation was set for the 4th day of April 2006, at 9:00 o'clock a.m. in the Supervisors Chambers; and

WHEREAS, said notice of intention to vacate was posted and published as required by Chapter 3, Part 3, Division 9 of the Streets and Highways Code; and

WHEREAS, said hearing was duly held and opportunity was given to all interested persons to present evidence for and against said vacation; and

WHEREAS, the Planning Commission considered the proposed vacation and reported on February 9, 2006, that said vacation is not in conformity with the General Plan; and

WHEREAS, it is in the public interest that the hereinafter described County road be vacated.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of San Luis Obispo, State of California, finds, declares and determines as follows:

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1. That the recitals set forth above are true and correct.
2. That this Board finds, from all of the evidence submitted, that that portion of Smith Avenue, a purported public road, in the Town of Oceano, and more particularly described in Exhibit A and shown on Exhibit B (map), each attached hereto and made a part hereof, is unnecessary for present or prospective public use.
3. That this Board has determined, pursuant to Streets and Highways Code, Section 2381, that said portion of Smith Avenue, a purported public road, in the Town of Oceano, is not useful as a non-motorized transportation facility, as defined in Streets and Highways Code Section 156.
4. That it be and hereby is ordered that said portion of Smith Avenue, in the Town of Oceano, and more particularly described in Exhibit A, and shown on Exhibit B (map), each attached hereto and made a part hereof, is vacated as a County Road of the County of San Luis Obispo, State of California.
5. That in support of this Board's decision to vacate said road, this Board makes the following findings:
 - a. Vacation of subject portion of road will not impair public or private access.
 - b. Vacation of subject portion of road will not affect existing traffic circulation.
 - c. Subject portion of road has been impassable to public travel, and no public funds have been expended on said portion of road.
 - d. This vacation is in the public interest, in that the County will extinguish roadway interests and allow consolidation of property rights.
6. That the public convenience and necessity require the reservation and exception of certain easement and rights-of-way for works enumerated in Streets and Highways Code Section 8340. Said easements and rights-of-way reserved and excepted from this vacation are more particularly described in Exhibit A, attached hereto and made a part hereof.
7. That prior to adopting this resolution, this Board considered the General Plan and the recommendation of the Planning Commission that said vacation of a portion of Smith Avenue, a purported public road, is not in conformity with the General Plan.
8. That the County Clerk of the County of San Luis Obispo be and hereby is ordered and directed to record a certified copy of this resolution, attested by the Clerk under seal, in the Office of the County Recorder of the County of San Luis Obispo, State of California.
9. That upon such recordation, the vacation is complete.

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Upon motion of Supervisor _____, seconded by
Supervisor _____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL EFFECT:
JAMES B. LINDHOLM, JR.,
COUNTY COUNSEL

By: _____
Deputy County Counsel

Dated: 3/10/86

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RECOMMENDED FOR APPROVAL
RIGHT OF WAY AGENT

Timothy J. Smith

RECOMMENDED FOR APPROVAL
DIRECTOR OF PUBLIC WORKS

Noel King

STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk
of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby
certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as
the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____
day of _____, 20 _____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By _____
Deputy Clerk.

**LEGAL DESCRIPTION OF VACATION OF PORTION OF SMITH AVENUE
A PURPORTED PUBLIC ROAD IN THE TOWN OF OCEANO
COUNTY OF SAN LUIS OBISPO**

That portion of right of way, being twenty feet (20') wide, being the southerly half of Smith Avenue, a purported public road, said portion of right of way whose southerly line lies adjacent to and contiguous with the northerly boundary of Lot 26 of Block 43 of the Oceano Beach Tract No. 2, said tract recorded in Book A of Maps Page 150 of the office of the County Recorder, County of San Luis Obispo, State of California.

Reserving, unto Pacific Gas and Electric Company, any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing public utility facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated;

AND Reserving, unto SBC any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing telephone communication facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated;

AND Reserving, unto Southern California Gas Company, any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing gas piping facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated;

AND Reserving, unto the County of San Luis Obispo, an easement at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge a coastal accessway, and all facilities incidental thereto, in, upon and over the road herewith vacated;

AND Reserving, unto the Oceano Community Services District, an easement and/or franchise right, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge a waterline and sewer pipeline, and all facilities incidental thereto, in, upon and over the road herewith vacated.

EXHIBIT "A"

Site of Proposed Road Abandonment

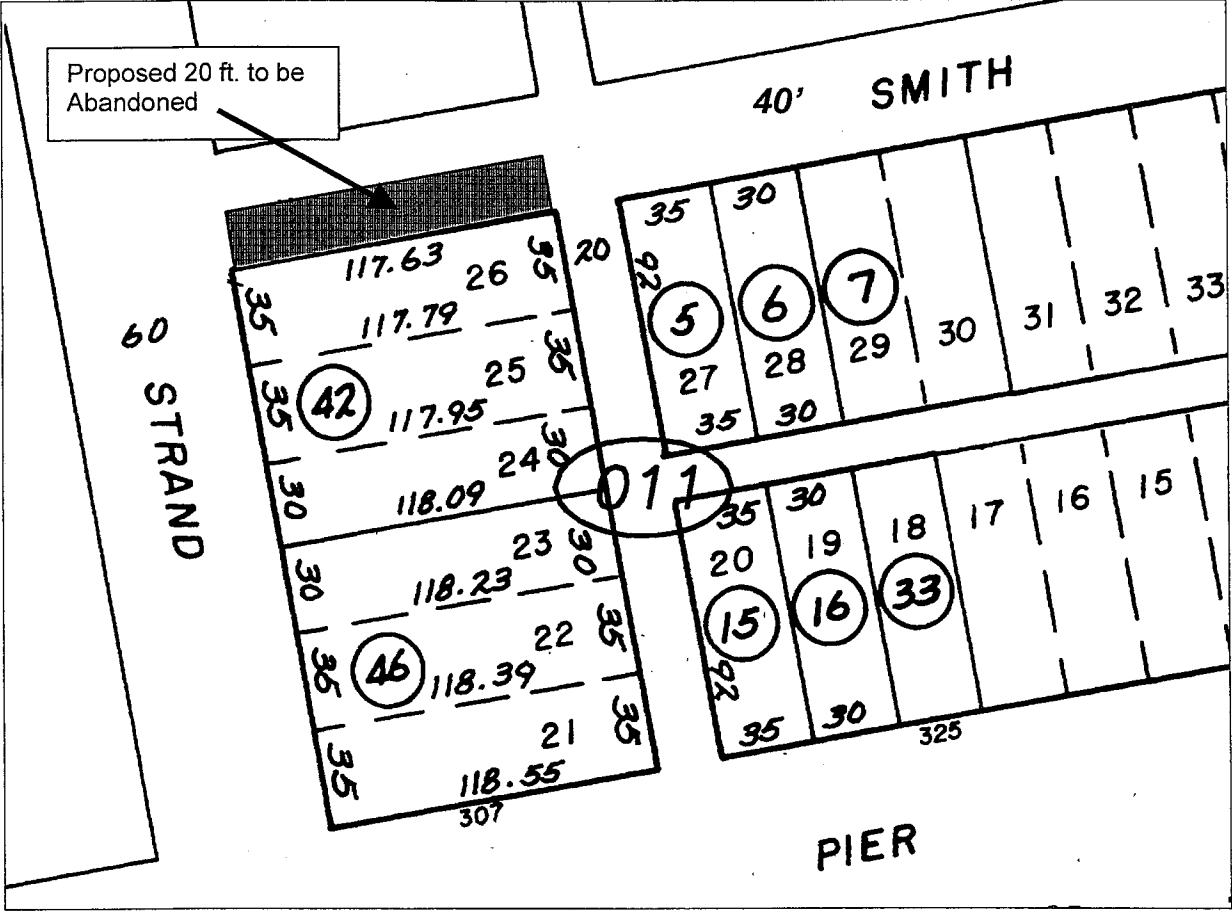
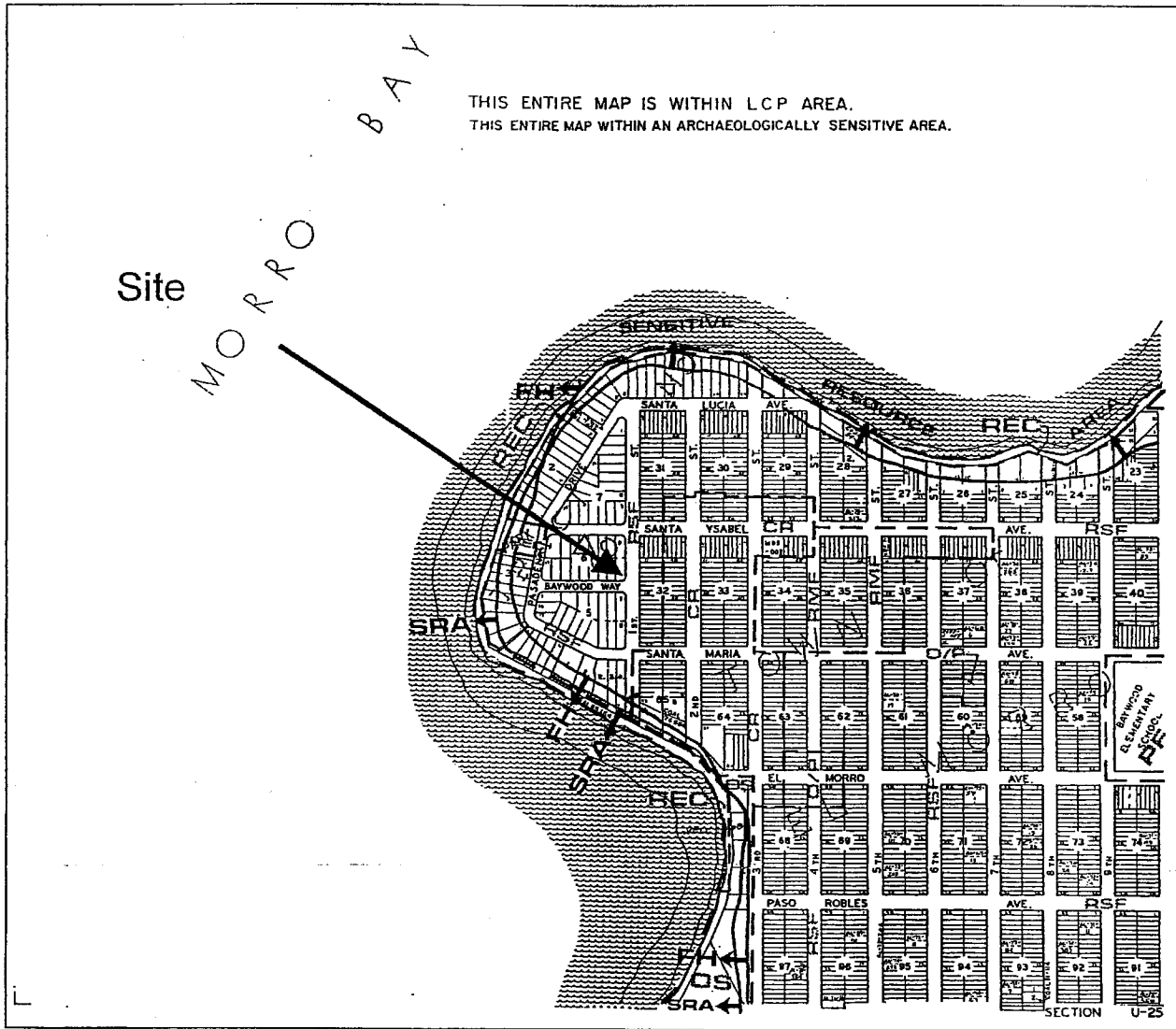


EXHIBIT "B"

VACATION OF A PORTION OF SMITH AVENUE, TOWN OF OCEANO

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VICINITY MAP FOR VACATION OF PORTION OF FIRST STREET, LOS OSOS

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IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.

RESOLUTION VACATING A PORTION OF FIRST STREET COUNTY ROAD NO. 3157 IN THE TOWN OF LOS OSOS, SUPERVISORIAL DISTRICT NO. 2

The following Resolution is now offered and read:

WHEREAS, pursuant to Chapter 3, Part 3, Division 9 of the Streets and Highways Code, this Board of Supervisors duly adopted a resolution and notice of intention to vacate a portion of First Street, County Road No. 3157, in the Town of Los Osos; and

WHEREAS, in said resolution and notice, the date of hearing on the resolution of vacation was set for the 4th day of April 2006, at 9:00 o'clock a.m. in the Supervisors Chambers; and

WHEREAS, said notice of intention to vacate was posted and published as required by Chapter 3, Part 3, Division 9 of the Streets and Highways Code; and

WHEREAS, said hearing was duly held and opportunity was given to all interested persons to present evidence for and against said vacation; and

WHEREAS, the Planning Commission considered the proposed vacation and reported on January 26, 2006, that said vacation is in conformity with the General Plan; and

WHEREAS, it is in the public interest that the hereinafter described County road be vacated.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of San Luis Obispo, State of California, finds, declares and determines as follows:

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1. That the recitals set forth above are true and correct.
2. That this Board finds, from all of the evidence submitted, that that portion of First Street, County Road No. 3157, in the Town of Los Osos, and more particularly described in Exhibit A and shown on Exhibit B (map), each attached hereto and made a part hereof, is unnecessary for present or prospective public use.
3. That this Board has determined, pursuant to Streets and Highways Code, Section 2381, that said portion of First Street, County Road No. in the Town of os Osos, is not useful as a non-motorized transportation facility, as defined in Streets and Highways Code Section 156.
4. That it be and hereby is ordered that said portion of First Street, in the Town of Los Osos, and more particularly described in Exhibit A, and shown on Exhibit B (map), each attached hereto and made a part hereof, is vacated as a County Road of the County of San Luis Obispo, State of California.
5. That in support of this Board's decision to vacate said road, this Board makes the following findings:
 - a. Vacation of subject portion of road will not impair public or private access.
 - b. Vacation of subject portion of road will not affect existing traffic circulation.
 - c. This vacation is in the public interest, in that the County will extinguish roadway interests and allow consolidation of property rights.
6. That the public convenience and necessity require the reservation and exception of certain easement and rights-of-way for works enumerated in Streets and Highways Code Section 8340. Said easements and rights-of-way reserved and excepted from this vacation are more particularly described in Exhibit A, attached hereto and made a part hereof.
7. That prior to adopting this resolution, this Board considered the General Plan and the recommendation of the Planning Commission that said vacation of a portion of First Street, County Road No. 3157, is in conformity with the General Plan.
8. That the County Clerk of the County of San Luis Obispo be and hereby is ordered and directed to record a certified copy of this resolution, attested by the Clerk under seal, in the Office of the County Recorder of the County of San Luis Obispo, State of California.
9. That upon such recordation, the vacation is complete.

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Upon motion of Supervisor _____, seconded
by Supervisor _____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL EFFECT:
JAMES B. LINDHOLM, JR.,
COUNTY COUNSEL

By: _____
Deputy County Counsel

Dated: 3/18/06

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RECOMMENDED FOR APPROVAL
RIGHT OF WAY AGENT

Timothy J. Smith

RECOMMENDED FOR APPROVAL
DIRECTOR OF PUBLIC WORKS

Noel King

STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk
of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby
certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as
the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____
day of _____, 20 _____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By _____
Deputy Clerk.

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**LEGAL DESCRIPTION OF VACATION OF PORTION OF FIRST STREET,
COUNTY ROAD NO. 3157, IN THE TOWN OF LOS OSOS**

That portion of right of way, being fifteen feet (15') on each side of First Street, County Road No. 3157, lying between Santa Ysabel Avenue and Santa Maria Avenue of Tract No. 40, as recorded in Book 5 of Maps Page 59 in the Town of Los Osos, County of San Luis Obispo, and as shown also lying between Santa Ysabel Avenue and Santa Maria Avenue of the Map of El Moro, recorded in Book A of Maps Page 80, said maps as found in the County Clerk Recorder, County of San Luis Obispo, State of California.

Reserving, unto Pacific Gas and Electric Company, any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing public utility facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated;

AND Reserving, unto SBC any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing telephone communication facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated;

AND Reserving, unto Southern California Gas Company, any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing gas piping facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated;

AND Reserving, unto the County of San Luis Obispo, any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing water and/or future wastewater pipelines, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated.

AND Reserving, unto the Los Osos Community Services District , any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing or future wastewater pipelines, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated.

EXHIBIT "A"

u:firststvac.lgl



Proposed vacation of both the east and west sides of 1st St. from Santa Maria to Santa Ysabel Avenues

203

1st St.

15'

INDEX BK. 38

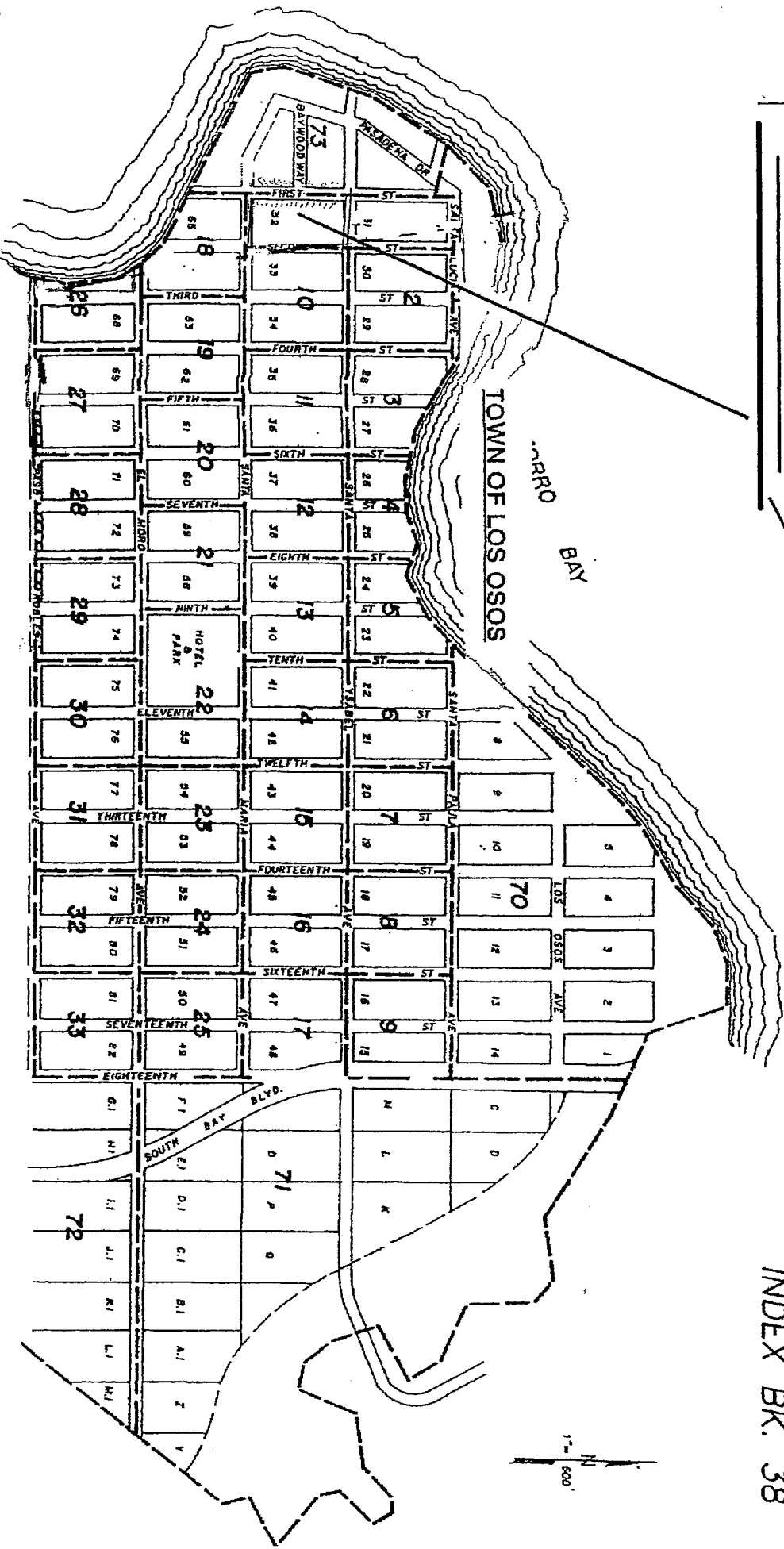


EXHIBIT "B"

INDEX BK. 38
TOWN OF EL MORO